The Examiner indicated that the inventions listed as Groups I-VII did not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT rule 13.2, they lack the same or corresponding special technical features. More specifically, the Examiner asserted that Groups I-VII lacked the same corresponding technical features because the "the recombinant nucleic acid molecule comprising a protein having beta-glucosidase activity operably linked to a heterologous promoter of Applicant's claim 1 is taught by Lefebvre et al (WO 98/05760). Lefebvre et al teach a recombinant nucleic acid molecule comprising an isolated DNA encoding a protein having beta-glucosidase activity operably to a heterologous promoter and host cell comprising said recombinant nucleic acid molecule." The Examiner then set forth the allegedly "special technical features" of each of Groups I-VII and indicated that the inventions of Groups I-VII lacked unity.

The unity of invention requirement is set forth in Rule 13.1 of the Patent Cooperation Treaty: The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. Rule 13.2 provides for circumstances in which the requirement of unity of invention shall be considered fulfilled:

> Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. (PCT Rule 13.2)

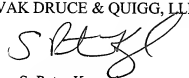
In the instant case, Applicants respectively submit that Groups I-VII are all so linked as to form a single general inventive concept. That is, there is a technical relationship among the inventions that involves one or more of the same or corresponding special technical features. Namely, Groups I-VII all involve polypeptides with the amino acid sequence of SEQ ID NO: 2 and polynuclotides comprising the nucleotide sequence shown in SEQ ID NO:1.

While the Examiner asserts that Lefebvre describes "a recombinant nucleic acid molecule comprising an isolated DNA encoding a protein having beta-glucosidase activity operably to a

heterologous promoter and host cell comprising said recombinant nucleic acid molecule," Applicant respectfully submits that the Examiner has not set forth sufficient grounds to assert that Lefebvre describes Applicant's special technical feature. More specifically, the Examiner asserts that Claim 1 is not novel because Lefebvre et al. teach recombinant nucleic acid molecules having certain similar broad characteristics as claim 1. However, Lefebvre et al. does not describe SEQ ID NO: 1 or SEQ ID NO: 2 and/or sequences homologous thereto and/or the Examiner not set forth, by citation to sufficient supporting evidence, that the special technical features of the instant claims are inherently described by Lefebvre. Accordingly, Applicant respectfully submits that the Examiner's contention is wholly unsupported.

Accordingly, the election/restriction requirement should be withdrawn.

Respectfully submitted,
NOVAK DRUCE & QUIGG, LLP



S. Peter Konzel
Registration No.: 53,152

Customer No.: 26474
1300 Eye St. N.W.
1000 West Tower
Washington, D.C. 20005
Phone: (202) 659-0100
Fax: (202) 659-0105

Dated: October 11, 2007